

FILED
CLERK OF COURT
2004 JAN 12 P 11:04
U.S. DISTRICT COURT
DISTRICT OF MASS

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAUL BENNETT, On Behalf of Himself and All Others Similarly Situated,)	No. 03-CV-12091-RCL
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	
)	
ALKERMES, INC., et al.,)	
)	
Defendants.)	
)	
<hr/> VINCENT RAGOSTA, On Behalf of Himself and All Others Similarly Situated,)	No. 03-CV-12184-RCL
)	
Plaintiff,)	<u>CLASS ACTION</u>
)	
vs.)	
)	
ALKERMES, INC., et al.,)	
)	
Defendants.)	
<hr/>)	

[Caption continued on following page.]

AFFIDAVIT OF NANCY F. GANS IN SUPPORT OF SOUTHERN ALASKA CARPENTERS
RETIREMENT TRUST'S OPPOSITION TO COMPETING MOTIONS FOR APPOINTMENT
AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF LEAD COUNSEL

BARRY FAMILY LP, On Behalf of Itself and
All Others Similarly Situated,

Plaintiff,

vs.

ALKERMES, INC., et al.,

Defendants.

Civil Action No. 03-CV-12243-RCL

CLASS ACTION

JULIUS AND PHYLLIS WALTZER, On
Behalf of Themselves and All Others Similarly
Situated,

Plaintiffs,

vs.

ALKERMES, INC., et al.,

Defendants.

Civil Action No. 03-CV-12277-RCL

CLASS ACTION

DEBRA S. FOLKERTS, On Behalf of Herself
and All Others Similarly Situated,

Plaintiff,

vs.

ALKERMES, INC., et al.,

Defendants.

Civil Action No. 03-CV-12386-RCL

CLASS ACTION

JAMES P. SLAVAS, On Behalf of Himself
and All Others Similarly Situated,

Plaintiff,

vs.

ALKERMES, INC., et al.,

Defendants.

Civil Action No. 03-CV-12471-RCL

CLASS ACTION

I, Nancy F. Gans, declare:

1. I am a member of the law firm of Moulton & Gans, LLP, counsel for plaintiffs in this action. I am duly admitted to practice in the State of Massachusetts and before this Court. I make this Declaration in Support of Alaska Carpenters Trust's Opposition to Competing Motions for Appointment as Lead Plaintiff and Approval of Selection of Lead Counsel, and I have personal knowledge of the facts asserted herein.

2. Attached hereto are true and correct copies of the following exhibits:

Exhibit A: Excerpts from The Danske Bank Group website;

Exhibit B: The Danske Bank Group Organizational Chart, from The Danske Bank Group website;

Exhibit C: *In re Michaels Stores, Inc. Securities Litigation*, Civil Action No. 3:03-CV-0246-M (Lead), Order for Limited Discovery Prior to Selection of Lead Plaintiff (N.D. Tex. July 10, 2003);

Exhibit D: Sworn certification of Danske Capital, dated June 18, 2003;

Exhibit E: *Gallo v. Sara Lee Corp., et al.*, Civil Action No. 03-C-3202, Notice of Withdrawal of Motion by Danske Capital to Be Appointed Lead Plaintiff and for Approval of Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel (N.D. Ill. Aug. 4, 2003);

Exhibit F: Melanie Trottman, "Hedge Fund Executive Poole Withdraws Name from Pre-Paid Legal Lawsuit," *Dow Jones Business News*, Aug. 15, 2002;

Exhibit G: *In re IBP, Inc. Securities Litigation*, Civil Action No. 01-4031, Declaration of Stuart L. Berman in Support of Motion to Withdraw Tiedemann Investment Group from the Litigation, to Substitute WPG and TFM as Lead Plaintiff, and to Approve Lead Plaintiffs' Choice of Counsel (D.S.D. Aug. 16, 2001); *In re IBP, Inc. Securities Litigation*, Civil Action No. 01-4031, Declaration of Laurie Jelenek (D.S.D. Nov. 9, 2001); *In re IBP, Inc. Securities Litigation*, Civil Action No. 01-4031, Order (D.S.D. Nov. 21, 2001);

Exhibit H: *Krauss v. Mitek Systems, Inc., et al.*, Civil No. 00 CV 2333, Order Re: (1) Motion to Consolidate; (2) Motions for Appointment of Lead Plaintiff; (3) Motion for Appointment of Lead Counsel (S.D. Cal. Mar. 6, 2001); *In re Mitek Systems, Inc. Securities Litigation*, Master File No. 00CV2028-L(AJB), Uncontested Motion to Withdraw Plaintiff Watson Investment Partners as a Lead Plaintiff (S.D. Cal. June 11, 2001);

Exhibit I: *Berger v. Lampert, et al.*, Civil Action No.: 02-CV-21154, Motion of Award Asset Management to Consolidate Actions, to Be Appointed Lead Plaintiff, for Approval of Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel (S.D. Fla. June 24, 2002); *Berger v. Lampert, et al.*, Case No. 02-21154-CIV-HUCK-BANDSTRA, Proposed Concord Camera Lead Plaintiffs' Response to Motion of Award Asset Management to Consolidate the Actions, to Be Appointed Lead Plaintiff, for Approval of Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel (S.D. Fla. July 8, 2002);

Exhibit J: Jennifer Mann & Dan Margolies, "UNCLASSY ACTIONS: Dubious tactics characterize many lawsuits," *The Kansas City Star*, Mar. 25, 2003;

Exhibit K: *Martin v. Maxim Pharmaceuticals, Inc., et al.*, No. 00-CV-2484-JM(LSP), Stipulation and Order Appointing Lead Plaintiff and Lead Counsel (S.D. Cal. Oct. 1, 2001);

Exhibit L: *Pirelli Armstrong Tire Corp. Retiree Medical Benefits v. Hanover Compressor Co., et al.*, Civil Action No. H-02-0410, Notice of Withdrawal of Lead Plaintiff Motion of John McStay Investment Counsel and Capital West Asset Management, LLC (S.D. Tex. Apr. 25, 2002);

Exhibit M: *Chambers v. Amdocs Limited, et al.*, Case No. 4:02cv00950 RWS, The Westgate Plaintiffs' Opposition to the Competing Motions for Appointment of Lead Plaintiff and Approval of Lead Counsel (E.D. Mo. Sept. 6, 2002); *Chambers v. Amdocs Limited, et al.*, Case No. 4:02cv00950 RWS, Notice of Withdrawal of Motion by Excalibur Management Corporation to Appoint Lead Plaintiff and Approve Lead Plaintiff's Selection of Lead Counsel (E.D. Mo. Nov. 15, 2002);

Exhibit N: *Casden v. HPL Technologies, Inc., et al.*, Case No. 3:02cv3510-VRW, Notice of Withdrawal of Motion to Consolidate and Appoint Ivelocity as Lead Plaintiff (N.D. Cal. Oct. 1, 2002);

Exhibit O: *Curtis v. Elan Corporation, et al.*, Case No. 02 CV 00212 L(AJB), Memorandum of Law in Support of Motion of Fox Asset Management to Be Appointed Lead Plaintiff and for Approval of Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel (S.D. Cal. Apr. 5, 2002); *Curtis v. Elan Corporation, et al.*, Case No. 02 CV 00212 L(AJB), Notice of Withdrawal of Motion of Fox Asset Management to Be Appointed Lead Plaintiff, and for Approval of Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel (S.D. Cal. May 8, 2002);

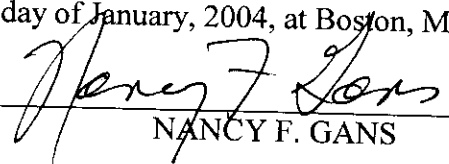
Exhibit P: *Van Reuth v. SRI Surgical Express Incorporated, et al.*, Case No. 8:01-CV-2282-23-MAP, Notice of Withdrawal of the Motion of Caldwell & Orkin, Inc. for Appointment as Lead Plaintiff (M.D. Fla. Feb. 13, 2001);

Exhibit Q: *Schwartz, et al. v. TXU Corp., et al.*, Civil Action No. 3:02-CV-2243-K, Notice of Withdrawal of Motion by Robert Joseph Sexton to Appoint Lead Plaintiff and Approve Lead Plaintiff's Selection of Lead Counsel and Liaison Counsel (N.D. Tex. Jan. 23, 2003);

Exhibit R: Julie McKinnon, "Dana Corp. Shareholder Sues Company, Directors," *The Blade*, Aug. 20, 2003; *Ryan v. Dana Corporation, et al.*, Civil Docket for Case #03-CV-51 (W.D. Va.); and

Exhibit S: *In re Cable & Wireless, PLC, Securities Litigation*, Civil Action No. 02-1860, Order (E.D. Va. Apr. 21, 2003).

I declare under penalty of perjury under the laws of the State of Massachusetts that the foregoing is true and correct. Executed this 12 day of January, 2004, at Boston, Massachusetts.



NANCY F. GANS

S:\PleadingsSD\Alkermes\DEC00005514.doc

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by mail (by hand) on 1/12/04.

